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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/692,775      | 10/16/2000  | Malik Mamdani        |                     | 8731             |

7590 05/19/2004  
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2681

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692,775

Applicant(s)

MAMDANI ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 8-21 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant provisionally elects Invention I (claims 1-7) for examination with traverse on 04/07/04 (paper no. 10).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US 6513063) in view of Zirngibl et al (US 6587547)

Regarding claim 1 and 8, Julia et al disclose a method and a system comprising a server configurable to: receive first spoken input from a wireless communication device (see col. 2, lines 30-32); retrieve information associated with the first spoken input (see col. 2, lines 30-41); and deliver, to said wireless communication device, a non-verbal response to the first spoken input, said non-verbal response based on said retrieved information (see col. 2, lines 60-67).

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Julia et al are silent to disclose receiving second spoken input from said device for accessing a voice wallet, said voice wallet authorizing a purchase transaction upon second spoken input being authenticated by said voice wallet.

However, Zirngibl et al disclose receiving second spoken input from said device for accessing a voice wallet, said voice wallet authorizing a purchase transaction upon second spoken input being authenticated by said voice wallet (see col. 21, line 7 to col. 22, line 67; col. 25, lines 9-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Zirngibl et al to Julia et al so that user can make a purchase on the wireless telephone.

Regarding claim 2, the method of Julia et al in view of Zirngibl et al also disclose wherein the step of delivering includes using a wireless Markup Language to deliver the non-verbal response (see col. 22, lines 46-55 of Zirngibl et al).

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of Zirngibl et al (US 6587547) and further in view of Salo et al (US Patent Number 6563800).

Regarding claim 5, the method of Julia et al in view of Zirngibl et al is silent to disclose the non-verbal response includes the retrieved information. However, Salo et al disclose the non-verbal response includes the retrieved information (see col. 7, lines 1-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

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Regarding claim 6, the method of Julia et al in view of Zirngibl et al is silent to disclose wherein the non-verbal response includes a Uniform Resource Locator. However, Salo et al disclose the non-verbal response includes a Uniform Resource Locator (see col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

Regarding claim 7, the method of Julia et al in view of Zirngibl et al is silent to disclose wherein the non-verbal response includes a Handheld Device Markup Language. However, Salo et al disclose the non-verbal response includes a Handheld Device Markup Language (see col. 7, lines 16-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device .

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of Zirngibl et al (US 6587547) and further in view of Lohtia et al (US Patent Number 650456).

Regarding claim 3, the method of Julia et al in view of Zirngibl et al is silent to disclose the system including a Short Messageing Service gateway, said server configurable to deliver said non-verbal response via said Short Messaging Service gateway; a wireless Application Protocol gateway, said server configureable to deliver said non-verbal response via said wireless Application Protocol gateway.

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However, in the same field of endeavor, Lohtia et al disclose a wireless web information services gateway forwards the retrieved information to the user via an SMS message or via a microbrowser message (see col. 1, lines 63-67; col. 2, lines 15-21); a wireless Application Protocol gateway, said server configureable to deliver said non-verbal response via said wireless Application Protocol gateway (see fig. 3 and abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Lohtia et al to Julia et al so that there is no need for a user to start a browser session to retrieve the desired information.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of Zirngibl et al (US 6587547) and further in view of McAllister et al (US Patent Number 6442242).

Regarding claim 4, the method of Julia et al in view of Zirngibl et al is silent to disclose wherein the step of delivering includes using Simple Mail Transport Protocol to deliver the non-verbal response.

However, in the same field of endeavor, McAllister et al disclose a step of delivering including using Simple Mail Transport Protocol to deliver the non-verbal response (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of McAllister et al to Julia et al so that there is no need for a user to start a browser session to retrieve the desired information.

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***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*DN*

David Nguyen

*Erika Gary*  
ERIKA GARY  
PATENT EXAMINER